

AMENDED IN SENATE JUNE 22, 2009

AMENDED IN ASSEMBLY MAY 26, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 243

Introduced by Assembly Member Nava
(Coauthors: Assembly Members Lieu and Portantino Ammiano,
Lieu, and Portantino)
(Coauthors: Senators DeSaulnier and Florez)

February 10, 2009

An act to amend Section 597.1 of, and to add Section 597.8 to, the Penal Code, relating to animal abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 243, as amended, Nava. Animal abuse: penalties.

~~Existing law provides that upon the conviction of a person charged with animal abuse, as specified, the court is authorized to prohibit the defendant, as a condition of probation, from owning, possessing, caring for, or having any contact with animals, as specified.~~

Existing law provides that upon the conviction of a person for a violation of the law regarding the failure to care for animals, the court is authorized to make an order prohibiting the defendant, as a condition of probation, from owning, possessing, caring for, or having any contact with animals of any kind and to order the convicted person to immediately deliver all animals in his or her possession to a designated public entity, as specified. Existing law requires the court, in the event of acquittal or final discharge of a person arrested pursuant to these

provisions, to direct the release of the seized or impounded animals, on demand, upon a showing of proof of ownership.

This bill would instead require the court to make the orders above regarding ownership and forfeiture, as specified. The bill would require the owner to make additional showings in order for the court to direct the release of seized or impounded animals.

Existing law provides that the cost of seizing, caring for, and treating any animal seized pursuant to specified provisions regarding the failure to care for animals shall constitute a lien on the animal and that the animal shall not be returned to its owner until the charges are paid. Existing law provides that no animal properly seized pursuant to these provisions shall be returned to its owner until, in the determination of the seizing agency or hearing officer, the animal is physically fit, or the owner can demonstrate that the owner can and will provide the necessary care.

This bill would additionally apply these provisions to animals seized pursuant to a search warrant. The bill would, in the event that owner has satisfied the lien, provide a process for the seizing agency or prosecuting attorney to file a petition seeking forfeiture of any animal, as specified.

Existing law establishes various crimes regarding cruelty to animals and the failure to care for animals.

~~This bill would instead make it a misdemeanor, punishable as specified, for any person convicted of animal abuse to own, possess, maintain, have custody of, reside with, or care for any animal~~ *require the court, upon conviction for certain of these crimes, in addition to any other sentence or penalty, to enter an order enjoining the person from owning, possessing, maintaining, having custody of, residing with, or caring for any animal within a specified period after conviction, and would make related changes. The bill would make a violation of this order a misdemeanor, as specified.* The bill would provide that the court may, in the interest of justice, *reduce the duration of or exempt a defendant from these—provisions restrictions* under specified circumstances. By creating a new crime and by increasing the duties of local humane officers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597.1 of the Penal Code is amended to
2 read:
3 597.1. (a) Every owner, driver, or keeper of any animal who
4 permits the animal to be in any building, enclosure, lane, street,
5 square, or lot of any city, county, city and county, or judicial district
6 without proper care and attention is guilty of a misdemeanor. Any
7 peace officer, humane society officer, or animal control officer
8 shall take possession of the stray or abandoned animal and shall
9 provide care and treatment for the animal until the animal is
10 deemed to be in suitable condition to be returned to the owner.
11 When the officer has reasonable grounds to believe that very
12 prompt action is required to protect the health or safety of the
13 animal or the health or safety of others, the officer shall
14 immediately seize the animal and comply with subdivision (f). In
15 all other cases, the officer shall comply with the provisions of
16 subdivision (g). The cost of caring for and treating any animal
17 properly seized under this subdivision *or pursuant to a search*
18 *warrant* shall constitute a lien on the animal and the animal shall
19 not be returned to its owner until the charges are paid, if the seizure
20 is upheld pursuant to this section.
21 (b) Every sick, disabled, infirm, or crippled animal, except a
22 dog or cat, that is abandoned in any city, county, city and county,
23 or judicial district may be killed by the officer if, after a reasonable
24 search, no owner of the animal can be found. It shall be the duty
25 of all peace officers, humane society officers, and animal control
26 officers to cause the animal to be killed or rehabilitated and placed
27 in a suitable home on information that the animal is stray or
28 abandoned. The officer may likewise take charge of any animal,
29 including a dog or cat, that by reason of lameness, sickness,

1 feebleness, or neglect, is unfit for the labor it is performing, or that
2 in any other manner is being cruelly treated, and provide care and
3 treatment for the animal until it is deemed to be in a suitable
4 condition to be returned to the owner. When the officer has
5 reasonable grounds to believe that very prompt action is required
6 to protect the health or safety of an animal or the health or safety
7 of others, the officer shall immediately seize the animal and comply
8 with subdivision (f). In all other cases, the officer shall comply
9 with subdivision (g). The cost of caring for and treating any animal
10 properly seized under this subdivision *or pursuant to a search*
11 *warrant* shall constitute a lien on the animal and the animal shall
12 not be returned to its owner until the charges are paid.

13 (c) Any peace officer, humane society officer, or animal control
14 officer shall convey all injured cats and dogs found without their
15 owners in a public place directly to a veterinarian known by the
16 officer to be a veterinarian who ordinarily treats dogs and cats for
17 a determination of whether the animal shall be immediately and
18 humanely destroyed or shall be hospitalized under proper care and
19 given emergency treatment.

20 If the owner does not redeem the animal within the locally
21 prescribed waiting period, the veterinarian may personally perform
22 euthanasia on the animal. If the animal is treated and recovers from
23 its injuries, the veterinarian may keep the animal for purposes of
24 adoption, provided the responsible animal control agency has first
25 been contacted and has refused to take possession of the animal.

26 Whenever any animal is transferred to a veterinarian in a clinic,
27 such as an emergency clinic that is not in continuous operation,
28 the veterinarian may, in turn, transfer the animal to an appropriate
29 facility.

30 If the veterinarian determines that the animal shall be hospitalized
31 under proper care and given emergency treatment, the costs of any
32 services that are provided pending the owner's inquiry to the
33 responsible agency, department, or society shall be paid from the
34 dog license fees, fines, and fees for impounding dogs in the city,
35 county, or city and county in which the animal was licensed or, if
36 the animal is unlicensed, shall be paid by the jurisdiction in which
37 the animal was found, subject to the provision that this cost be
38 repaid by the animal's owner. The cost of caring for and treating
39 any animal seized under this subdivision shall constitute a lien on
40 the animal and the animal shall not be returned to the owner until

1 the charges are paid. No veterinarian shall be criminally or civilly
2 liable for any decision that he or she makes or for services that he
3 or she provides pursuant to this subdivision.

4 (d) An animal control agency that takes possession of an animal
5 pursuant to subdivision (c) shall keep records of the whereabouts
6 of the animal from the time of possession to the end of the animal's
7 impoundment, and those records shall be available for inspection
8 by the public upon request for three years after the date the animal's
9 impoundment ended.

10 (e) Notwithstanding any other provision of this section, any
11 peace officer, humane society officer, or any animal control officer
12 may, with the approval of his or her immediate superior, humanely
13 destroy any stray or abandoned animal in the field in any case
14 where the animal is too severely injured to move or where a
15 veterinarian is not available and it would be more humane to
16 dispose of the animal.

17 (f) Whenever an officer authorized under this section seizes or
18 impounds an animal based on a reasonable belief that prompt action
19 is required to protect the health or safety of the animal or the health
20 or safety of others, the officer shall, prior to the commencement
21 of any criminal proceedings authorized by this section, provide
22 the owner or keeper of the animal, if known or ascertainable after
23 reasonable investigation, with the opportunity for a postseizure
24 hearing to determine the validity of the seizure or impoundment,
25 or both.

26 (1) The agency shall cause a notice to be affixed to a
27 conspicuous place where the animal was situated or personally
28 deliver a notice of the seizure or impoundment, or both, to the
29 owner or keeper within 48 hours, excluding weekends and holidays.
30 The notice shall include all of the following:

31 (A) The name, business address, and telephone number of the
32 officer providing the notice.

33 (B) A description of the animal seized, including any
34 identification upon the animal.

35 (C) The authority and purpose for the seizure, or impoundment,
36 including the time, place, and circumstances under which the
37 animal was seized.

38 (D) A statement that, in order to receive a postseizure hearing,
39 the owner or person authorized to keep the animal, or his or her
40 agent, shall request the hearing by signing and returning an

1 enclosed declaration of ownership or right to keep the animal to
2 the agency providing the notice within 10 days, including weekends
3 and holidays, of the date of the notice. The declaration may be
4 returned by personal delivery or mail.

5 (E) A statement that the cost of caring for and treating any
6 animal properly seized under this section is a lien on the animal
7 and that the animal shall not be returned to the owner until the
8 charges are paid, and that failure to request or to attend a scheduled
9 hearing shall result in liability for this cost.

10 (2) The postseizure hearing shall be conducted within 48 hours
11 of the request, excluding weekends and holidays. The seizing
12 agency may authorize its own officer or employee to conduct the
13 hearing if the hearing officer is not the same person who directed
14 the seizure or impoundment of the animal and is not junior in rank
15 to that person. The agency may utilize the services of a hearing
16 officer from outside the agency for the purposes of complying with
17 this section.

18 (3) Failure of the owner or keeper, or of his or her agent, to
19 request or to attend a scheduled hearing shall result in a forfeiture
20 of any right to a postseizure hearing or right to challenge his or
21 her liability for costs incurred.

22 (4) The agency, department, or society employing the person
23 who directed the seizure shall be responsible for the costs incurred
24 for caring and treating the animal, if it is determined in the
25 postseizure hearing that the seizing officer did not have reasonable
26 grounds to believe very prompt action, including seizure of the
27 animal, was required to protect the health or safety of the animal
28 or the health or safety of others. If it is determined the seizure was
29 justified, the owner or keeper shall be personally liable to the
30 seizing agency for the cost of the seizure and care of the animal,
31 the charges for the seizure and care of the animal shall be a lien
32 on the animal, and the animal shall not be returned to its owner
33 until the charges are paid and the seizing agency or hearing officer
34 has determined that the animal is physically fit or the owner
35 demonstrates to the seizing agency's or the hearing officer's
36 satisfaction that the owner can and will provide the necessary care.

37 (g) Where the need for immediate seizure is not present and
38 prior to the commencement of any criminal proceedings authorized
39 by this section, the agency shall provide the owner or keeper of
40 the animal, if known or ascertainable after reasonable investigation,

1 with the opportunity for a hearing prior to any seizure or
2 impoundment of the animal. The owner shall produce the animal
3 at the time of the hearing unless, prior to the hearing, the owner
4 has made arrangements with the agency to view the animal upon
5 request of the agency, or unless the owner can provide verification
6 that the animal was humanely destroyed. Any person who willfully
7 fails to produce the animal or provide the verification is guilty of
8 an infraction, punishable by a fine of not less than two hundred
9 fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

10 (1) The agency shall cause a notice to be affixed to a
11 conspicuous place where the animal was situated or personally
12 deliver a notice stating the grounds for believing the animal should
13 be seized under subdivision (a) or (b). The notice shall include all
14 of the following:

15 (A) The name, business address, and telephone number of the
16 officer providing the notice.

17 (B) A description of the animal to be seized, including any
18 identification upon the animal.

19 (C) The authority and purpose for the possible seizure or
20 impoundment.

21 (D) A statement that, in order to receive a hearing prior to any
22 seizure, the owner or person authorized to keep the animal, or his
23 or her agent, shall request the hearing by signing and returning the
24 enclosed declaration of ownership or right to keep the animal to
25 the officer providing the notice within two days, excluding
26 weekends and holidays, of the date of the notice.

27 (E) A statement that the cost of caring for and treating any
28 animal properly seized under this section is a lien on the animal,
29 that any animal seized shall not be returned to the owner until the
30 charges are paid, and that failure to request or to attend a scheduled
31 hearing shall result in a conclusive determination that the animal
32 may properly be seized and that the owner shall be liable for the
33 charges.

34 (2) The preseizure hearing shall be conducted within 48 hours,
35 excluding weekends and holidays, after receipt of the request. The
36 seizing agency may authorize its own officer or employee to
37 conduct the hearing if the hearing officer is not the same person
38 who requests the seizure or impoundment of the animal and is not
39 junior in rank to that person. The agency may utilize the services

1 of a hearing officer from outside the agency for the purposes of
2 complying with this section.

3 (3) Failure of the owner or keeper, or his or her agent, to request
4 or to attend a scheduled hearing shall result in a forfeiture of any
5 right to a preseizure hearing or right to challenge his or her liability
6 for costs incurred pursuant to this section.

7 (4) The hearing officer, after the hearing, may affirm or deny
8 the owner's or keeper's right to custody of the animal and, if
9 reasonable grounds are established, may order the seizure or
10 impoundment of the animal for care and treatment.

11 (h) If any animal is properly seized under this section *or*
12 *pursuant to a search warrant*, the owner or keeper shall be
13 personally liable to the seizing agency for the cost of the seizure
14 and care of the animal. Furthermore, if the charges for the seizure
15 or impoundment and any other charges permitted under this section
16 are not paid within 14 days of the seizure, or, if the owner, within
17 14 days of notice of availability of the animal to be returned, fails
18 to pay charges permitted under this section and take possession of
19 the animal, the animal shall be deemed to have been abandoned
20 and may be disposed of by the impounding officer.

21 (i) If the animal requires veterinary care and the humane society
22 or public agency is not assured, within 14 days of the seizure of
23 the animal, that the owner will provide the necessary care, the
24 animal shall not be returned to its owner and shall be deemed to
25 have been abandoned and may be disposed of by the impounding
26 officer. A veterinarian may humanely destroy an impounded animal
27 without regard to the prescribed holding period when it has been
28 determined that the animal has incurred severe injuries or is
29 incurably crippled. A veterinarian also may immediately humanely
30 destroy an impounded animal afflicted with a serious contagious
31 disease unless the owner or his or her agent immediately authorizes
32 treatment of the animal by a veterinarian at the expense of the
33 owner or agent.

34 (j) No animal properly seized under this section *or pursuant to*
35 *a search warrant* shall be returned to its owner until, in the
36 determination of the seizing agency or hearing officer, the animal
37 is physically fit or the owner can demonstrate to the seizing
38 agency's or hearing officer's satisfaction that the owner can and
39 will provide the necessary care.

1 (k) (1) *In the event that the owner has satisfied the lien provided*
2 *for in this section for the cost of caring for or treating an animal,*
3 *prior to final disposition of any criminal charges, the seizing*
4 *agency or prosecuting attorney may file a petition in the criminal*
5 *action requesting that the court issue an order forfeiting the animal*
6 *to the county or seizing agency prior to final disposition of the*
7 *criminal charge. The petitioner shall serve a true copy of the*
8 *petition upon the defendant and the prosecuting attorney.*

9 (2) *Upon receipt of a petition, the court shall set a hearing on*
10 *the petition. The hearing shall be conducted within 14 days after*
11 *the filing of the petition, or as soon as practicable.*

12 (3) *The petitioner shall have the burden of establishing probable*
13 *cause to believe that even in the event of acquittal, the owner*
14 *cannot and will not provide the necessary care or that the owner*
15 *will not legally be permitted to retain any of the animals in*
16 *question. If the court finds probable cause exists, the court shall*
17 *order immediate forfeiture of the animal to the petitioner.*

18 ~~(k)~~

19 (l) *Upon the conviction of a person charged with a violation of*
20 *this section, or Section 597 or 597a, all animals lawfully seized*
21 *and impounded with respect to the violation shall be adjudged by*
22 *the court to be forfeited and shall thereupon be transferred to the*
23 *impounding officer or appropriate public entity for proper adoption*
24 *or other disposition. A person convicted of a violation of this*
25 *section shall be personally liable to the seizing agency for all costs*
26 *of impoundment from the time of seizure to the time of proper*
27 *disposition. Upon conviction, the court shall order the convicted*
28 *person to make payment to the appropriate public entity for the*
29 *costs incurred in the housing, care, feeding, and treatment of the*
30 *seized or impounded animals. Each person convicted in connection*
31 *with a particular animal may be held jointly and severally liable*
32 *for restitution for that particular animal. The payment shall be in*
33 *addition to any other fine or sentence ordered by the court.*

34 ~~The~~ *If probation is granted, the court may also order, as*
35 *a condition of probation, that the convicted person be prohibited*
36 *from owning, possessing, caring for, or having any contact with,*
37 *animals of any kind. Regardless of whether probation is granted,*
38 *the court shall require the convicted person to immediately deliver*
39 *all animals in his or her possession to a designated public entity*
40 *for adoption or other lawful disposition or provide proof to the*

1 court that the person no longer has possession, care, or control of
2 any animals. In the event of the acquittal or final discharge without
3 conviction of the arrested person, *if any of the animals are still*
4 *impounded because the animal or animals have not previously*
5 *been deemed abandoned pursuant to Section 597.1(h) or the lien*
6 *has been satisfied and the court has not previously ordered that*
7 *any of the animals be forfeited*, the court shall, on demand, direct
8 the release of seized or impounded animals upon a showing of
9 proof of ownership. ~~Any questions regarding all of the following:~~

10 (1) *Proof of ownership.*

11 (2) *Proof that all charges for the cost of seizure and care of the*
12 *animals for the entire duration of the matter have been paid.*

13 (3) *Proof that the animals are physically fit and that the owner*
14 *has demonstrated to the seizing agency or the court that the owner*
15 *can and will provide the necessary care.*

16 (4) *Proof that the owner can legally retain and possess all*
17 *animals in question.*

18 Any questions regarding ownership shall be determined in a
19 separate hearing by the court where the criminal case was finally
20 adjudicated and the court shall hear testimony from any persons
21 who may assist the court in determining ownership of the animal.
22 If the owner is determined to be unknown or the owner is
23 prohibited or unable to retain possession of the animals for any
24 reason, the court shall order the animals to be released to the
25 appropriate public entity for adoption or other lawful disposition.
26 This section is not intended to cause the release of any animal,
27 bird, reptile, amphibian, or fish seized or impounded pursuant to
28 any other statute, ordinance, or municipal regulation. This section
29 shall not prohibit the seizure or impoundment of animals as
30 evidence as provided for under any other provision of law.

31 (⊕)

32 (m) It shall be the duty of all peace officers, humane society
33 officers, and animal control officers to use all currently acceptable
34 methods of identification, both electronic and otherwise, to
35 determine the lawful owner or caretaker of any seized or
36 impounded animal. It shall also be their duty to make reasonable
37 efforts to notify the owner or caretaker of the whereabouts of the
38 animal and any procedures available for the lawful recovery of the
39 animal and, upon the owner's and caretaker's initiation of recovery
40 procedures, retain custody of the animal for a reasonable period

1 of time to allow for completion of the recovery process. Efforts to
2 locate or contact the owner or caretaker and communications with
3 persons claiming to be the owner or caretaker shall be recorded
4 and maintained and be made available for public inspection.

5 SEC. 2. Section 597.8 is added to the Penal Code, to read:

6 ~~597.8. (a) Any person who has been convicted of a~~
7 ~~misdemeanor violation of subdivision (a) or (b) of Section 597, or~~
8 ~~Section 597a, 597b, 597h, 597j, 597s, or 597.1, and who, within~~
9 ~~five years after the conviction, owns, possesses, maintains, has~~
10 ~~custody of, resides with, or cares for any animal is guilty of a public~~
11 ~~offense, which shall be punishable by imprisonment in a county~~
12 ~~jail not exceeding one year, by a fine not exceeding one thousand~~
13 ~~dollars (\$1,000), or by both that imprisonment and fine.~~

14 ~~(b) Any person who has been convicted of a felony violation~~
15 ~~of subdivision (a) or (b) of Section 597, or Section 597b or 597.5,~~
16 ~~and who, within 10 years after the conviction, owns, possesses,~~
17 ~~maintains, has custody of, resides with, or cares for any animal is~~
18 ~~guilty of a public offense, which shall be punishable by~~
19 ~~imprisonment in a county jail not exceeding one year, by a fine~~
20 ~~not exceeding one thousand dollars (\$1,000), or by both that~~
21 ~~imprisonment and fine.~~

22 ~~(c) A court may, in the interest of justice, exempt a defendant~~
23 ~~from the provisions of this section if the defendant files a petition~~
24 ~~with the court requesting a hearing in which the defendant shall~~
25 ~~have the burden of establishing that (1) imposition of the provisions~~
26 ~~of the section would result in severe or undue economic hardship~~
27 ~~to the defendant's livelihood, and (2) the defendant has the ability~~
28 ~~to properly care for all animals in his or her possession.~~

29 ~~The petitioner shall serve a true copy of the petition upon the~~
30 ~~court and the prosecuting attorney 10 calendar days prior to the~~
31 ~~requested hearing. Upon petition from the defendant, the court~~
32 ~~shall set a hearing on the petition. The hearing shall be conducted~~
33 ~~within 30 days after the filing of the petition.~~

34 *597.8. (a) Upon a conviction for a misdemeanor violation of*
35 *subdivision (a) or (b) of Section 597, or of Section 597a, 597b,*
36 *597h, 597j, 597s, or 597.1, the court shall, in addition to any other*
37 *sentence or penalty imposed, enter an order enjoining the person*
38 *from owning, possessing, maintaining, having custody of, residing*
39 *with, or caring for any animal for a period of not less than five*
40 *years.*

1 (b) Upon a conviction for a felony violation of subdivision (a)
2 or (b) of Section 597, or of Section 597b or 597.5, the court shall,
3 in addition to any other sentence or penalty imposed, enter an
4 order enjoining the person from owning, possessing, maintaining,
5 having custody of, residing with, or caring for any animal for a
6 period of not less than 10 years.

7 (c) Any person who is convicted of violating an order issued
8 under this section is guilty of a public offense, which shall be
9 punished by imprisonment in a county jail not exceeding one year;
10 by a fine not exceeding one thousand dollars (\$1,000), or by both
11 that imprisonment and fine.

12 (d) A court may, in the interest of justice, exempt a defendant
13 from the provisions of this section if the defendant files a petition
14 with the court requesting a hearing in which the defendant shall
15 have the burden of establishing that the imposition of the provisions
16 of this section would result in severe or undue economic hardship
17 to the defendant's livelihood and that the defendant has the ability
18 to properly care for all animals in his or her possession.

19 The petitioner shall serve a true copy of the petition upon the
20 court and the prosecuting attorney 10 calendar days prior to the
21 requested hearing. Upon petition from the defendant, the court
22 shall set a hearing on the petition. The hearing shall be conducted
23 within 30 days after the filing of the petition.

24 (e) A defendant may petition the court to reduce the duration
25 of the mandatory ownership prohibition. The petitioner shall serve
26 a true copy of the petition upon the court and the prosecuting
27 attorney 10 calendar days prior to the requested hearing. Upon a
28 petition from the defendant, the court shall set a hearing on the
29 petition. The hearing shall be conducted within 30 days after the
30 filing of the petition. At this hearing, the petitioner shall have the
31 burden of establishing probable cause to believe all of the
32 following:

33 (1) He or she does not present a danger to animals.

34 (2) He or she has the ability to properly care for all animals in
35 his or her possession.

36 (3) He or she has successfully completed all classes or
37 counseling ordered by the court.

38 If the petitioner has met his or her burden, the court may reduce
39 the mandatory ownership prohibition and may order that the

1 *defendant comply with reasonable and unannounced inspections*
2 *by animal control agencies or law enforcement.*

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution for certain
5 costs that may be incurred by a local agency or school district
6 because, in that regard, this act creates a new crime or infraction,
7 eliminates a crime or infraction, or changes the penalty for a crime
8 or infraction, within the meaning of Section 17556 of the
9 Government Code, or changes the definition of a crime within the
10 meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 However, if the Commission on State Mandates determines that
13 this act contains other costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.